



CASCADE COUNTY COMMISSION MEETING

May 9, 2017

COMMISSION CHAMBERS

COURTHOUSE ANNEX, ROOM 111

9:30 A.M.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the May 23, 2017 meeting.

Commission: Chairman Jim Larson, Commissioner Joe Briggs and, Commissioner Jane Weber.

Present: Don Jacobs, Tanya Houston, Steve Erwin, Gary Prue, Marian Prue, William Zucconi, Diane Wilkins, Gail LeMeur, Tamer Allci, Jim Shumaker, Doris Shumaker, Donna Hardesty, Phil Marro, Buster Hyndman, Kevin May, Mark Leo, Eileen Hyndman, Carey Ann Haight, Fernando Terrones, Alex Dachs, , Michaela Fraser, and Marie Johnson.

Reading of the Commissioners' calendar: Bonnie Fogerty read the weekly calendar.

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Weber made a **MOTION** to approve minute entries April 19th, 28th, and May 4th, 2017.

♦ **Board Appointment:** Tax Appeal (1 vacancy) Term Expiration: April 30, 2020 Applicant: Jean Clary (re-appointment)

♦ **Resolution 17-40:** Interlocal Agreement between the City of Great Falls and Cascade County to mutually acquire and utilize a joint public safety system was removed from the Consent Agenda, as it is not ready for decision.

♦ **Resolution 17-41:** Budget Appropriation within Public Works to accommodate anticipated difference between Fleet vehicles budget and actual purchasing costs for FY2016-FY2017. Total Amount: \$25,000 R0339200

♦ **Contract 17-49:** The Office Center Equipment Service Contract #2206 for a FSC5300DN printer at the Sheriff's Office. Effective Dates: March 15, 2017 - March 15, 2018. Annual Amount: \$360. Not recorded at this time

♦ **Contract 17-50:** The Office Center Equipment Service Contract #2207 for a FSC5300DN printer at the Sheriff's Office. Effective Dates: March 15, 2017 - March 14, 2018. Annual Amount: \$360. Not recorded at this time

♦ **Contract 17-51:** The Office Center Equipment Service Contract #2210 for an M6035cidn printer at the Sheriff's Office. Effective Dates: March 15, 2017 - March 14, 2018. Annual Amount: \$360. Not recorded at this time

♦ **Contract 17-52:** The Office Center Equipment Service Contract #2211 for a M3550IDN printer at the Sheriff's Office. Effective Dates: March 15, 2017 - March 14, 2018. Annual Amount: \$396. Not recorded at this time

♦ **Contract 17-53:** Microsoft Agreement with Cascade County for “Cloud” based services. Effective: Date of Signing. No County Cost. Not recorded at this time

♦ **Contract 17-54:** Random Home Visits Contract between the Cascade County Sheriff's Office, the State of Montana, Office of Court Administrator and the 8th Judicial District Youth Court Services. Purpose: Random home visits for Juvenile Drug Court youth to ensure accountability. Effective: May 1, 2017 - June 30, 2018. Total payment to the County may not exceed \$6,000. Renewal).

R0339938

CITY/COUNTY HEALTH DEPARTMENT

♦ **Contract 17-47:** The Office Center Equipment Service Contract #2192 for a TASKalfa 5551ci printer. Effective Dates: March 15, 2017 - March 14, 2018. Annual Amount: \$570. Not recorded at this time

♦ **Contract 17-48:** The Office Center Equipment Service Contract #2177 for a TASKalfa 250ci printer. Effective Dates: February 15, 2017 - February 14, 2018. Annual Amount: \$420. **Motion to approve consent agenda carries 3-0** Not recorded at this time

AGENDA ITEM #1

MOTION TO APPROVE/ DISAPPROVE:

Contract 17-55: Acceptance of the Bartel Associates, LLC proposal for Cascade County's 2017 & 2018 Other Post-Employment Benefits (OPEB) Valuations. Not recorded at this time

Diane Brien presented this item by reading the synopsis, which can be found in that Agenda Action Report dated May 9, 2017.

Commissioner Weber reminded the commission meeting attendees that the OPEB valuations are required every two years.

Commissioner Briggs made a MOTION to accept Contract 17-55 Proposal from Bartel Associates for Cascade County's 2017 and 2018 OPEB Valuations.

Motion carries 3-0

AGENDA ITEM #2

MOTION TO APPROVE/ DISAPPROVE:

The Preliminary Plat of the Sun River Commercial Park Subdivision

Public Hearing

The Preliminary Plat of the Sun River Commercial Park Subdivision

Initiated By: Great Falls 1, LLC, and Location: N ½ of Section 36, Township 21 N, Range 2 E, P.M.M., Cascade County, Montana.

Chairman Larson recessed the regular meeting and opened the public hearing @9:43 a.m.

The reading of the public notice was waived and placed into the record (see Exhibit "A").

Alex Dachs read the synopsis and the fifteen (15) conditions in the Agenda Action Report dated May 9, 2017.

There was some discussion about the roads in this new subdivision and future road developments.

Commissioner Weber emphasized condition #10, the Agricultural Notification, which specifically informs the public of dust and noise resulting from residences in close proximity to agricultural lands.

Commissioner Weber asked if Sun Prairie Volunteer Fireman, Leonard Lundby, was comfortable with the option of having the second ingress/egress using Gem Court Road in the adjacent subdivision, since the MT DOT would not permit a second approach off of Highway 200. Mr. Dachs assured her that Mr. Lundby was satisfied.

Chairman Larson called for the applicant.

Kevin May from Big Sky Civil and Environmental Inc. spoke on behalf of the applicant. He stated that they would subdivide one twenty (20) acre tract into eleven (11) tracts and anticipate a road connection on the next development.

There was further discussion about fire suppression and Commissioner Weber requested that they contact Leonard Lundby and the Vaughn Fire Station to inform him of the new subdivision.

Chairman Larson called for proponents three times with no response.

Chairman Larson called for opponents three times with no response.

Chairman Larson called for written testimony in which there was none.

Chairman Larson closed the public hearing and reconvened the regular meeting @ 9:50 a.m.

Commissioner Weber made a **MOTION** to approve the preliminary plat of the Sun River Commercial Park, based on the staff report and findings of fact subject to the fifteen (15) conditions. **Motion carries 3-0**

AGENDA ITEM #3

MOTION TO APPROVE/ DISAPPROVE:

**The Preliminary Plat of the Glenwood 1 Minor Subdivision Initiated By:
Gail LeMeur Location: S½ of Section 24, Township 20 N, Range 4 E,
P.M.M., Cascade County, Montana**

Alex Dachs read the synopsis and the fourteen (14) conditions.

Chairman Larson noted that an Agricultural Notification was also placed on this subdivision.

Commissioner Briggs announced that his previous Ag exemption concerns have been addressed with the information that the Planning Department provided for him.

Commissioner Briggs made a **MOTION** to approve the preliminary plat of the Glenwood 1 Minor Subdivision based on the staff report and findings of fact and subject to the fourteen (14) conditions. **Motion carries 3-0**

AGENDA ITEM #4

MOTION TO APPROVE/ DISAPPROVE:

The Preliminary Plat of the Glenwood 2 Minor Subdivision Initiated By: Gail LeMeur Location: S½ of Section 24, Township 20 N, Range 4 E, P.M.M., Cascade County, Montana

Alex Dachs read the synopsis and the fourteen (14) conditions.

Commissioner Weber made a **MOTION** to approve the preliminary plat of the Glenwood 2 Minor Subdivision based on the staff report and findings of fact and subject to the fourteen (14) conditions. **Motion carries 3-0**

AGENDA ITEM #5

MOTION TO APPROVE/ DISAPPROVE:

Public Hearing for approval of Resolution of Intention 17-39 to amend Section 2 and Section 7.2.4 uses permitted upon Special Use Permit in an Agricultural District. R0339199

Chairman Larson recessed the regular meeting and opened the public hearing at 10:12 a.m. The reading of the public notice was waived and placed into the record (see Exhibit "B").

Alex Dachs read the synopsis for updating the existing Cascade County Zoning Regulations which can be found in the Agenda Action #5 Report dated May 9, 2017.

It was noted that this is the Resolution of Intent which will prompt a Protest period before final approval.

Commissioner Weber stated that after thorough review and evaluation these amendments meet the ten criteria evaluated, and align with the goals and objectives of the Growth Policy.

Commissioner Briggs agreed and stated that allows the methodology for heavy equipment and the special use permits.

Chairman Larson called for proponents three times with no response.

Chairman Larson called for opponents-

Eileen Hyndman of 983 McIver Road, questioned if these amendments would include the marijuana plant in her area.

Commissioner Briggs questioned if they dispense marijuana from the facility.

Eileen Hyndman stated that she has seen growing lights but does not know if they dispense from the location.

Commissioner Briggs stated that this would be a concern for business use and requested that the Planning Department look into this.

Commissioner Weber informed Eileen Hyndman that her comments do not apply to the decision before the commission on amendments to the SUP within the Agricultural District.

Chairman Larson called for further Opponents in which there was none.

Chairman Larson called for written testimony in which there was none.

Chairman Larson closed the public hearing and reconvened the regular meeting @ 10:24 a.m.

Commissioner Briggs made a **MOTION** to approve the Resolution of Intention 17-39 after reviewing the staff report and proposed regulation changes to Section 2 (Definitions) and Section 7.2.4 (Uses Permitted Upon Issuance of a Special Use Permit in an Agricultural District) of the Cascade County Zoning Regulations be amended and adopt said changes. **Motion carries 3-0**

AGENDA ITEM #6

MOTION TO APPROVE/ DISAPPROVE:

Resolution 17-35; Resolution of Intention for a rezone change request for parcel #5702000 from "RR-5" Rural Residential to "A" Agricultural.

R0339198

Commissioner Weber stated she would be recusing herself from voting on this item since she was not at the last meeting and was unable to obtain the minutes to review prior to this commission meeting.

Alex Dachs read the synopsis and reminded the Commission that this rezone was tabled at the last Commission meeting held on April 25, 2017.

Commissioner Briggs stated that he did some research on this property, which was a construction company with the shop built in 1997. Mr. Jacobs purchased it in the winter of 2012 to operate his business Venture Stone which cuts stone for landscaping. He continued by stating that Mr. Jacobs assumed this property was zoned for business since it was a construction company prior. It was only until

complaints were made by the neighbors that it was found to be zoned "RR" Rural Residential. He also questioned why Mr. Jacobs did not make sure how the property was zoned before he purchased it.

Chairman Larson invited Mr. Jacobs to the podium for questions and comments.

Chairman Larson asked Mr. Jacobs how close his business was from the residents.

Mr. Jacobs stated that there are residents 600-800 feet away and the concerned residents reside on McIver Road which is nearly half a mile away.

Chairman Larson stated that if this Residential Subdivision is rezoned to Agricultural and Mr. Jacob's does not receive a special permit he could not operate his business and would lose money on the resale value of the property. He also questioned the amount of truck traffic since there were complaints from other residents in the area.

Mr. Jacobs responded by announcing that normally two (2) to three (3) trucks a week travel to his shop, and that during the summer months they try to do the rock cutting on location and not at the shop. They do some cutting in the shop during the winter months which is usually only one truck a week during this time. There was further discussion about Mr. Jacobs' business and the need for a special use permit to operate if zoned Agricultural.

Commissioner Briggs stated that this area is located around other Ag properties and he has no issue accepting the zone change, but was concerned that the proponent understand if the special permit was not granted the owner would be stuck with this zone change. He deferred to Carey Ann Haight for legal counsel.

Carey Ann Haight responded by reminding the Commission that the issuance of the Special Use Permit is a separate issue which is determined by the ZBOA. The item for commission consideration is whether or not to approve the zone change.

At this time there was some out of turn discussion from the public.

Eileen Hyndman of 983 McIver Road, stated that she lives directly behind the property and she is aware of covenants and a possible easement on his property that would not allow him to operate his business. She that it has been difficult due to the amount of people that stop by her house to ask the location of the rock business ; she is also worried about the business expanding closer to her house. She also shared her concerns about this becoming zoned agricultural since all the other lots around her are zoned this way.

Donna Hardesty of 989 McIver Road, felt that no one would farm on the land and the previous owner intended to create a residential subdivision. She also stated that there were around twelve truckloads a day running to the business.

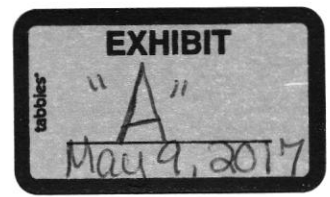
Following further discussion, **Chairman Larson** called for a motion.

Commissioner Briggs made a motion to approve the Resolution of Intention 17-35 to rezone parcel # 5702000 described as Lot 1 and Lot 2 of the Phillips Subdivision, located in Section 31, Township 21, North, Range 2 East, P.M.M, Cascade County, MT from "RR" Rural Residential to "A: Agricultural. **Motion carries 2-0 Larson and Briggs For and Weber abstaining.**

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. (MCA 2-3-103)

Donna Hardesty thanked the commissioners for the decision made at the April 25, 2017 Commission meeting on the zone change for Mr. Dickman. She spoke in favor of the zone change and stated Mr. Dickman was a good steward of the land. She also shared her concerns about the marijuana growing plant in her area and requested the Commission look into this since it was four (4) doors down from her place.

Adjournment: Chairman Larson adjourned this Commission meeting at 11:06 a.m.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Cascade County Commissioners will hold a public hearing in Room 105 of the Courthouse Annex, 325 2nd Avenue North, Great Falls on Tuesday, May 9, 2017 at 9:30 a.m. to consider the Sun River Commercial Major Subdivision. The proposed subdivision is located in a Light Industrial zoning district and will create eleven (11) Light Industrial parcels. The existing parcel is addressed as 585 Vaughn South Frontage Road. It is legally described as Lot 2 of M-T Tracts, located in Section 36, Township 21 North, Range 2 East, P.M.M., Cascade County, MT.

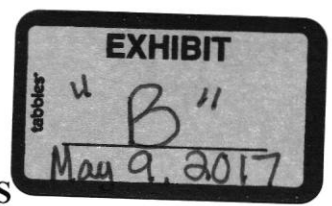
The application and supplementary materials are on file in the Planning Division's office, and any interested person may appear and speak for or against this proposal at the public hearing or submit in writing any comments to the Cascade County Planning office, 121 4th St N, Suite 2 H/I, Great Falls, MT 59401.

CASCADE COUNTY PLANNING DIVISION

Don Sims, Planner

Publication Date: Sunday, April 23, 2017 & Sunday, April 30, 2017

**PUBLIC NOTICE OF
PASSAGE OF RESOLUTION OF INTENTION
TO AMEND CASCADE COUNTY ZONING REGULATIONS**



NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Cascade County, Montana, did on May 9, 2017 duly pass a "Resolution of Intention #17-39 amending Section 2 and Section 7 of the Cascade County Zoning Regulations."

Said Resolution of Intention amends Section 2 and Section 7 of the Cascade County Zoning Regulations" for the entirety of Cascade County excepting those areas within the boundaries of incorporated cities (Great Falls) and towns (Belt, Neihart, Cascade). The proposed zoning regulations are on file for public inspection at the office of the Cascade County Clerk and Recorder located at 121 4th Street North, Suite 1B-1, Great Falls, or at the Cascade County Planning Division, 121 4th Street North, Suite 2H/I, Great Falls, MT 59401.

For thirty (30) days after the first publication of this notice, the Board of County Commissioners of Cascade County will receive written protests to the proposal to amend the County Zoning Regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY, Montana Code Annotated

/s/ Jim Larson, Chairman

/s/ Joe Briggs, Commissioner

/s/ Jane Weber, Commissioner

ATTEST:

/s/ Clerk & Recorder

First Publication Date: May 12, 2017

Second Publication Date: May 14, 2017

Third Publication Date: May 21, 2017